

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 16, 2009 has been entered.

Claims 18-35 and 37-47 are pending.

Claim rejection made under 35 U.S.C. § 102 (a) as being anticipated by Muller (US 6248338 B1) as indicated in the previous Office action dated May 15, 2008 is maintained for reasons of record.

Claim rejections made under 35 U.S.C. § 103 (a) as being unpatentable over Muller in view of Peffly et al. (US 5997886) indicated in the same Office action is maintained in substance, but modified to address the new claims added by the April 16, 2009 amendment.

Claim rejection made under 35 U.S.C. § 103 (a) as being unpatentable over Muller in view of Flick (Cosmetic Additives, 1991) is maintained in part and modified in view of further consideration and the new claims added by the April 16, 2009 amendment.

Claim rejections made under 35 U.S.C. § 103 (a) as being unpatentable over Muller in view of Rollat et al. (US 20030147834 A1) is maintained in substance, but modified to address the new claims added by the April 16, 2009 amendment.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 33-35 are rejected under 35 U.S.C. 102(a) as being anticipated by Muller (US 6248338 B1).

Muller discloses a hair rinse comprising 0.5 % of quaternized guar derivative (Jaguar C-162, hydroxypropyl guar hydroxylpropyltrimonium chloride), 2.7 % of pregelatinized, hydroxypropylated di-starch phosphate, and 3 % of myristyl alcohol (Lanette 14, C14 fatty alcohol). See Example 1. See instant claims 1-4, 8-10, 12, 14-17. Muller, discussed above, further teaches that the pregelatinized starch derivative is used in 0.1-20 % of the aqueous phase of the composition that can be about 5-98 % by weight of the total composition. See col. 5, lines 11 – 23; instant claim 13. The surfactants of instant claim 11, such as cocoamidopropyl betaine (Tego Betaine), are taught in the table shown in columns 9-10, and used in formulations examples 4-9.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18-32, 37-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muller et al. (US 6248338) as applied to claims 33-35 as above, and further in view of Peffly et al. (US 5997886).

As discussed above, Muller discloses a hair rinse comprising 0.5 % of quaternized guar derivative (Jaguar C-162, hydroxypropyl guar hydroxylpropyltrimonium chloride), 2.7 % of pregelatinized, hydroxypropylated di-starch phosphate, and 3 % of myristyl alcohol (Lanette 14, C14 fatty alcohol). See Example 1; instant claims 22, 38, 43, 45, and 47. Muller further teaches that the pregelatinized starch derivative is used in 0.1-20 % of the aqueous phase of the composition that can be about 5-98 % by weight of the total composition. See col. 5, lines 11 – 23; instant claims 42, 44, and 46. The surfactants including cocoamidopropyl betaine (Tego Betaine) are taught in the table shown in columns 9-10, and used in formulations examples 4-9. See instant claims 23, 30, 38, 39, 43, 45, and 47. Muller teaches using the pre-gelatinized starch in a shampoo, Hair conditioner, a shower gel, bath foam, liquid soap, shaving foam, etc, but also indicates that the starch can be used in products of any form, including solution, emulsion, suspension, gel or foam. See Muller, Examples , col. 5, lines 10 – 23; col. 6, lines 5 - 13. The reference teaches the pre-gelatinized starch acts 1) as a stability improver, 2) as a viscosity regulator, 3) as a (co)emulsifier, 4) as a skin feel improving

agent and 5) as an agent for improving hairdressing characteristics. See abstract; col. 5, lines 23 – 65. The reference specifically discloses that the prior art starch derivative spreads very well onto the skin without leaving sticky feeling, and makes hair more easily comable and sleek when applied thereon. See col. 5, lines 46 – 65.

Although Muller teaches amphoteric or anionic surfactants may be used in the prior art invention, the reference fails to disclose amphoteric or anionic polymers as required by instant claim 18. The reference also fails to teach the specific cationic polymer of instant claim 37.

Peffly teaches adding hair styling or hair shine agents to hair styling products in combination with hair conditioning agents. Suitable cationic polymers include quaternized hydroxyethyl cellulose ethers (Ucare Polymer JR 400) and hydroxypropyl guar hydroxypropyltrimonium chloride. Polyquaternium-10 (polymeric quaternized ammonium salts of hydroxyethylcellulose modified with a trimethylammonium substituted epoxide) of instant claim 37 is also among the preferred cationic polymers for the hair care products. Nonionic polymers, PVP/VA copolymers and anionic acrylate copolymers are also taught. See col. 9, line 43 – col. 11, line 13; col. 21, line 27 – col. 22, line 24; examples. The Peffly invention may be in the form of high water products such as spray, mousse, gel, tonics and lotions. See col. 29, lines 51 – 64; col. 30, lines 15—28.

It would have been obvious to one of ordinary skill in the art at the time of the present invention to modify the teachings of Muller and use add to the composition hair styling or shine agents as motivated by Peffly. The skilled artisan would have been

motivated to do so because 1) Muller discloses the utilities of pre-gelatinized starch derivatives in various hair care products as a conditioning agent that is non-sticky to touch and renders the hair easily combable and sleek and 2) Peffly teaches hair styling agents are conventionally added with hair conditioning agents to make a good hair styling products with hair conditioning properties without unacceptable stickiness or stiffness. Since Muller teaches the pre-gelatinized starch derivative may be used in solution, emulsion, gel or foam which are also the same type of vehicles Peffly teaches to use, the skilled artisan would have had a reasonable expectation of successfully producing a stable hair care product having hair styling and conditioning benefits.

Claims 26-32, 38-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muller as applied to claims 33-35 as above, and further in view of Flick (Cosmetic Additives, 1991).

Muller is relied upon as discussed above. The reference teaches that the starch acts as a stability improver, a viscosity regulator, a (co) emulsifier, a skin feel improving agent, and an agent for improving hairdressing characteristics. See col. 5, lines 23 - 65. Muller teaches to formulate the composition in the form of a high viscosity alcoholic gel, and optionally to add additional thickening agents. See col. 7, line 66 – col. 8 line 44.

While the reference generally teaches adding cationic polymers in its hair conditioning compositions, the reference does not specifically teach adding cationic cellulose of instant claim 5 and vinylpyrrolidone/vinyl acetate copolymer of instant claim 7.

Flick teaches that cationic quaternized celluloses are useful in hair care formulations and enhances wet and dry combing, increases body and reduces flyaway. See p. 172. The reference also teaches that vinylpyrrolidone/vinyl acetate copolymers are film-formers used in hairsprays, gels, mousses, lotions, hair thickeners, etc. See p. 304. The reference teaches using 1-4 % by weight.

Regarding claim 26, it would have been obvious to the skilled artisan to modify the teachings of Muller by formulating a hair styling compositions comprising PVP/VA copolymers as a film-forming agent, as motivated by Flick. Since Muller teaches the use of pregelatinized starch derivatives in hairdressing compositions, and also in making a gel product, the skilled artisan would have had a reasonable expectation of successfully formulating a hair styling gel products that provides good hairdressing properties and film-forming properties.

Claims 18-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muller as applied to claims 33-35 as above, and further in view of Rollat et al. (US 20030147834 A1).

Muller is discussed above. The reference fails to teach anionic or amphoteric copolymers.

Rollat teaches that anionic acrylate copolymers and amphoteric copolymers (Amphomer) are hair styling copolymers suitable for styling conditioner, spray, conditioning spray, lotion, gel, tonic, etc. See abstract, [0131], [0019]. The reference

teaches adding 0.01-3 % by weight of cationic conditioning polymers to the styling compositions. See [0053-0101].

It would have been obvious to one of ordinary skill in the art at the time of the present invention to modify the teachings of Muller by incorporating anionic or amphoteric hair styling copolymers as motivated by Rollat, because the latter teaches that hair styling copolymers and conditioning polymers are combined to make a hair care product having both beneficial conditioning and styling properties. Since the references teach similar type of formulations (gel, lotion, etc) the skilled artisan would have had a reasonable expectation of successfully producing a stable composition.

Response to Arguments

Applicant's arguments filed on Appeal Brief filed November 25, 2008, Reply Brief filed on April 22, 2009, and remarks filed on April 15, 2010 have been fully considered but they are not persuasive in part and moot in view of the new grounds in part.

A. Examiner's response to applicant's November 25, 2008 arguments as indicated in Examiner Answer mailed on February 23, 2009 is reproduced in part and modified in part as shown below. Examiner's response with respect to the previous Muller/Flick rejection has been modified. See underlined.

1. Claims 18-35 and 37-41 are properly rejected under 35 U.S.C. § 103 (a) over Muller in view of Peffly

Appellant asserts that there is no apparent reason to combine Muller and Peffly because Muller teaches of general use of a pregelatinized, crosslinked starch in personal care products while Peffly is directed to a specific type of a hair care

composition. More specifically, appellant argues that the Muller compositions are directed to "cleaning or caring for the skin, teeth or hair or for cleaning smooth surfaces" while the Peffly compositions are directed to a low volatile organic compound hair styling composition. In response, appellant's statements are erroneous because Muller in fact discloses specific utility of gelatinized crosslinked starch in a hair rinse product in Examples 1-3 of the specification, thus application of the pregelatinized, crosslinked starch in hair care art for improving hairdressing and hair conditioning characteristics was made notorious to one of ordinary skill in the art at the time of the present invention. See abstract, col. 5, lines 46-65; col. 8, lines 10-37. As stated in the rejection, it is also well known to combine hair conditioning agents with hair styling polymers to make hair care products. See Peffly, col. 18, lines 4 – 14. The reference also specifically mentions that cationic starch derivatives can be added as a hair conditioning polymer in col. 21, line 28 - col. 22, line 24, particularly in col. 22, line 19. In view of these teachings, a composition comprising the pregelatinized, crosslinked starch derivatives of Muller and the hair styling polymers of Peffly would have been an obvious combination.

Appellant also argues that the selection of the applicant's hair styling polymer would amount to mere picking and choosing from the "hundreds if not thousands" of polymers disclosed by Peffly. The argument is unpersuasive because appellant's selections of the polymers for independent claims are also in terms of a broad genus rather than specific compounds. Peffly discloses silicone-containing hair styling polymers and non-silicone containing polymers which include cationic, amphoteric,

nonionic, and anionic polymers, all known to confer hair styling benefit. Thus, selecting one of these ionic or nonionic types hair styling polymers in view of Peffly as appellant has done would have been an obvious modification of Muller. Furthermore, Example VII of Peffly illustrates using appellant's specific anionic polymer of instant claim 26, PVP/VA copolymer.

Appellant argues that the references are not combinable because 'Muller exemplifies rinse-out shampoo and conditioner, while the Peffly products are hair styling products which confer good style retention without stickiness or stiffness. Appellant asserts that it would not be plausible to incorporate the hair styling polymers of Peffly into the exemplified hair care composition of Muller because these polymers would not be able to adhere to the hair but would be washed off.

However, appellant's arguments would be valid only if the pregelatinized, crosslinked starch at issue were used as a detergent on the hair. Rather, the starch derivative in Muller is used as a hair conditioning agent in shampoos and conditioners and as a viscosity-building agent in hair bleaching and coloring compositions which holds other active agents on the hair. See col. 8, lines 24 - 33. Muller suggests the use of the pregelatinized, crosslinked starch in general hair care compositions and as an agent for improving hairdressing characteristics. See abstract. Thus, Muller teaches and suggests that application of the pregelatinized, crosslinked starch is not limited to shampoos and conditioners, and thus one of ordinary skill in the art would have been motivated to use the starch derivatives in other hair care products other than shampoos

and conditioners to obtain the hair conditioning and viscosity building properties of the starch derivative, as appellants has done in the present case.

Appellant also argues that there would be no expectation of success in combining the teachings of Muller and Peffly, and asserts that the outcome of combining a narrowly defined and specialized polymer with another type of polymer would be unpredictable and might compromise the benefits of the prior art pregelatinized starch. Appellant further asserts that the alleged lack of mention of other type of polymer within the Muller reference should support appellant's position.

In response, appellant's argument is erroneous because Examples of Muller in fact utilize various polymers with the pregelatinized, crosslinked polymers. See, for example, Examples 1-3 containing a hydroxypropyl guar derivative (Jaguar C-162) and Examples 37-39, containing polyvinylpyrrolidone (Luviskol K30); see also the table in col. 9. Furthermore, a mere silence of a particular aspect in a patent should not be taken as a teaching away from incorporating other beneficial components known in the art that would further improve the prior art invention and advance the interests of the art. Also, as indicated above, Peffly specifically suggests the compatibility of the starch derivative with the hair styling polymers, as the reference teaches the latter is combinable with a variety of hair conditioning polymers, including cationic starch derivatives. See col. 21, lines 28 - col. 22, line 19. Examiner also respectfully points out that a prima facie case of obviousness requires a "reasonable" and not an absolute expectation of success, as appellant here seems to suggest. In this case, the prior arts provide sufficient motivation and guidance to combine the teachings of the references

and make the claimed composition with a reasonable expectation of success. Thus the obviousness rejection is proper.

Applicant also argues that not every hair styling polymers of Peffly is combinable with other components. In response, examiner respectfully points out that there is no implicit or express in the reference that the disclosed polymers in Peffly cannot be combined with the pregelatinized, crosslinked starch derivatives of Muller.

With respect to claims 33-35 and 37-41, appellants asserts that Muller teaches away from the subject matter of claim 33, which requires a combination of at least one pregelatinized, crosslinked starch derivative and at least one cationic cellulose derivatives. Appellant points out to the passage in col. 8, lines 33-37 of Muller, which teaches "polysaccharide thickening agents commonly used in hair treatment compositions, such as hydroxyethyl cellulose and xanthan gum, are typically difficult to disperse as they form lumps and fish eyes".

In response, examiner respectfully points out that an aqueous dispersion is not part of the claimed limitations in this case, nor does appellant require the claimed composition in any particular form of composition that would have been affected by the potential dispersibility issue of polysaccharides broadly suggested by Muller. On the other hand, Peffly specifically indicates in col. 11, lines 15 – 23 that it would be within the skill of the art to choose an appropriate carrier in which the hair styling polymer is soluble or dispersible and use suitable solvent systems to further aid making a homogeneous solution or microdispersion with the essential components in the weight ratios used in the composition. For example, Example IV illustrates dissolving Celquat

H-100, a quaternized cationic cellulosic polymer, in water/ethanol solvent system. Thus it is prima facie obvious to combine the hair conditioning agents, namely a pregelatinized, crosslinked starch derivative, and the hair styling polymer, the quaternized cellulose of Peffly, to make a hair treatment product with both hair conditioning and styling effects; and formulating a stable composition using these polymers would have been within the skill of the art.

2. Claims 26-35 and 38-41 are properly rejected under 35 U.S.C. § 103 (a) over Muller further in view of Flick.

Appellant continues to argue that Muller fails to teach adding other polymers different from the pregelatinized, crosslinked starch, and asserts that reference somehow provides an "implicit warning" that the presence of other compounds may interfere with the properties of the starch derivatives. For the reasons as discussed above, examiner respectfully disagrees; there is no factual evidence or legal precedent to support appellant's position.

Appellant also argues that the PVP/VA polymers of Flick appear to be incompatible with the purpose of the hair care products of Muller. Appellant asserts that the hard and gloss film properties of PVP polymer would not be desirable for a hair care product. Examiner respectfully disagrees; the full disclosure of the reference goes on to indicate the utility of this particular polymer in hair care compositions. In fact, the reference suggests that it is within the skill of the art to modify the flexibility of the film formed by the polymer. Flick teaches that this particular polymer has "good compatibility with many modifiers" and the hygroscopicity and film flexibility is also

modifiable by using plasticizers. See Flick, p. 304, Properties. Thus, appellant's argument that Flick provides a disincentive to use the PVP/VA polymer in a hair care product is unpersuasive.

Appellant further argues that the only hair care products that Muller discloses are limited to hair shampoos and conditioners. The statement is erroneous because the reference in fact teaches of using the starch derivative in hair coloring or bleaching compositions and even in shaving foam containing a PVP film forming polymer. Thus appellant's argument that Muller somehow suggests incompatibility of the pregelatinized crosslinked starch derivative and a water-soluble film forming polymer is unpersuasive.

Appellant also argues that the quaternized celluloses of Flick do not add any advantageous property to the composition of Muller. The argument is moot, as Muller already teaches quaternized cellulose of instant claim. Flick is cited only to show that using a PVP/VA copolymer in a hair care product would have been an obvious matter.

Appellant also asserts that incorporating these polymers would risk incompatibility and/or "other problems potentially associated with the employment of a quaternized cellulose". The argument is unsupported because there is no evidence in the record to indicate any identifiable potential issues in using the specialized quaternized celluloses in combination with pregelatinized, crosslinked starch. Although appellant points out to the col. 8, lines 33-37 of Muller to assert that the reference somehow teaches away from using the quaternized cellulose of Flick, the argument is unpersuasive. In fact, examiner views that Flick provides the specific reason why a skilled artisan would have chosen these particular quaternized cellulose in view of the

Muller patent, as appellant has done in this case. The general teaching of the dispersibility issue of polysaccharide or hydroxyethyl cellulose in water per se does not teach or suggest how the specialized quaternized celluloses of Flick would behave in water. In fact, Flick explicitly discloses the water solubility of its specialized quaternized cellulose for a skilled artisan to predict the outcome of adding these celluloses in aqueous medium. On p. 172 of the reference indicates that Crodacel QL, laurdimonium hydroxyethyl cellulose, is "the most water soluble", while Crodacel QM, cocodimonium hydroxyethyl cellulose, is also more soluble than Crodacel QS, steardimonium hydroxyethyl cellulose. Since laurdimonium hydroxyethyl cellulose and cocodimonium hydroxyethyl cellulose are said to be water soluble, a skilled artisan would have had a reasonable expectation of successfully producing a stable composition comprising these water-soluble quaternized celluloses in an aqueous phase containing the pregelatinized crosslinked starch of Muller.

Applicant also argues that since the pregelatinized, crosslinked starch and the quaternized cellulose of Flick impart the same benefits to the hair, i.e., combability and sleek look, there would have been no reason to combine these components. The argument is unpersuasive because a skilled artisan would have certainly expected additive and improved hair care benefits by combining the teachings of these references. Examiner respectfully submits that appellant's arguments are unpersuasive, and the present obviousness rejection should be maintained.

3. Claims 18-32 are properly rejected under 35 U.S.C. § 103 (a) over Muller in view of Rollat

Appellant again argues that Muller is not particularly directed to hair care products, while still admitting that the patent teaches compositions for cleaning or caring for hair. Appellant's argument is contradictory at best, since appellant in fact has referred to numerous passages in Muller which discloses various hair care products in order to advance the previous arguments made above. Furthermore, examiner respectfully points out that the Rollat disclosure of hair styling shampoo and rinse renders making a similar hair styling shampoo and rinse products is an obvious variation of the prior arts.

Appellant argues the methacrylic copolymers set forth in the abstract is not identical with the anionic or amphoteric polymers mentioned in the portion of the specification relied upon by the examiner. Appellant cites paragraph [0050] of the reference to assert that anionic and amphoteric polymers are mere optional components for the Rollat invention. However, examiner respectfully points out that other parts of the reference clearly indicate that the methacrylic copolymer is at least weakly anionic. See [0046]. The specification further elaborates on using anionic and amphoteric polymers for the hair styling shampoo and conditioner throughout the specification in paragraphs [0102]-[0158].

In response to applicant arguments that Muller and Rollat provide an "implicit warning" not to combine the starch derivatives with any other polymers, examiner asserts that that there is no factual or legal support for this position. Rolla's disclosure in paragraph [0050] that optional ingredients should "not interfere with the reshapable properties of at least one (meth)acrylic copolymer" does not in anyway teach or

suggest, either implicitly or expressly, the pregelatinized, crosslinked starch derivatives of Muller itself would interfere with the hair styling copolymer.

With respect to claims 21 and 26-32, appellant argues that Rollat fails to mention amphoteric amide/acrylate/methacrylate copolymer and PVP/VA copolymers are used as hair styling polymers. In response, examiner respectfully points out that the particular disclosure in [0050], "cationic, anionic, nonionic, and amphoteric (such as zwitterionic) polymers **other than** polymers of the invention", implies that these polymers are also hair styling polymers. (emphasis mine) Thus examiner asserts that the obviousness rejection made over Muller in view of Rollat should be maintained.

B. . Applicant's arguments filed in **Reply Brief filed on April 22, 2009** are unpersuasive in part and moot in view of new grounds rejection in part.

1. Applicant asserts the hair care products of Muller are "only one of many" products in which the pregelatinized, crosslinked starch derivatives can be employed. The argument is unpersuasive because the reference explicitly indicates that the starch derivative can be incorporated to compositions of any form, including solution, emulsion, suspension, and even in shaving foam, which is a mousse product. Furthermore, combining a hair conditioning agent and a hair styling agent to make a hair care product having both properties had been a well known practice before the time of the present invention, according to Peffley.

2. Applicant asserts the cited prior arts lacks specific motivation to choose particular PVP/VA copolymer. The argument is unpersuasive as the rejection has discussed that PVP/VA copolymer is a notoriously well-known hair styling polymer and

concurrent use of a hair styling polymer and a hair conditioning agent has been a conventional practice well known in hair care art.

3. Applicant asserts that examiner "tried to suggest" that Muller teaches using the starch derivatives as a hair styling agent. The examiner respectfully disagrees. Muller explicitly discloses the starch derivative imparts specific hair conditioning utilities, which include combability and sleek look/feel of the hair. Furthermore, Muller indicates that the starch derivatives are not sticky to touch when used in skin care products, which suggests that the same property would be also obtained when used in hair products. Combining such hair conditioning agent with a hair styling polymer to produce a hair styling and conditioning product is a prima facie obvious in view of the cited references.

4. With respect to Flick, applicant asserts that no indication of the utility of PVP/VA copolymers in hair care composition are seen. Applicant however admits that the reference discloses the use of the copolymers in "hair sprays, gels, mousses, lotions, hair thickeners, tins and dyes". This argument contradicts applicant's own position that Muller and Peffley are not combinable due to the fact that the Muller's hair care products include hair **dyeing** products. Furthermore, Muller has disclosed mousse, lotion, and dyeing compositions comprising the starch derivatives. Examiner maintains the position that the hair treatment products disclosed in Flick are all within the hair care art, and combining Muller and Flick would have been an obvious matter to one of ordinary skill in the art.

5. Applicant asserts Flick fails to teach the particular quaternized cellulose of the instant claim. The argument is moot in view of the new grounds of rejection.

6. Applicant asserts Rollat is specifically directed to reshapable hair styling composition. However, combining a hair styling and conditioning art would have been an obvious matter to a person of ordinary skill in hair care art as discussed above. Applicant asserts the (meth)acrylic copolymer of Rollat could not be combined with any components which would substantially interfere with the reshapable properties of the polymer. However, there is no evidence in record that the Muller's starch derivative would detrimentally affect the hair reshaping property of the Rollat, which in fact teaches various hair conditioning agents may be combined with the (meth)acrylic copolymer.

C. In **response filed on April 16, 2010**, applicant asserts that the new claims 42-47 define patentable subject matter and argues that the cited prior arts fail to teach or suggest the combination of the elements recited in these claims. Examiner respectfully disagrees, as the presently claimed weight amount limitations of the pregelatinized starch derivatives and water are well within the disclosed weight ranges of Muller, as discussed in the rejection.

For above reasons, examiner views claims 18-32 and 37-47 are prima facie obvious in view of the cited references above.

Conclusion

No claim is allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GINA C. YU whose telephone number is (571)272-8605.

The examiner can normally be reached on Monday through Thursday, from 8:00AM until 6:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sharmila Landau can be reached on 571-272-0614. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/GINA C. YU/
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